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2684

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael B. FREEMAN et al.	Examiner: Chow, C.	RECEIVED MAY 25 2001 Technology Center 2600
Application Serial No.: 09/464,784	Group Art Unit: 2749	
Filing Date: December 17, 1999		
Attorney Docket No.: 09710-1004 Client Docket No.: COS-99-034		

For: APPARATUS AND METHOD FOR MANAGING CALL BILLING RECORDS
DIRECTOR OF PATENTS AND TRADEMARKS
Washington, DC 20231

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an amendment in the above-identified application.

FEE CALCULATION	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREV. PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	27	MINUS	27	0	\$18	\$ 0.00
INDEP. CLAIMS	4	MINUS	4	0	\$80	\$ 0.00
<input checked="" type="checkbox"/> Petition is hereby made under 37 CFR § 1.136(a) to extend the time for response to the Office Action of <u>February 22, 2001</u> to and through <u>May 22, 2001</u> , for an extension of: <input type="checkbox"/> One month (\$110) <input type="checkbox"/> Two months (\$390) <input type="checkbox"/> Three months (\$890) <input type="checkbox"/> Four months (\$1390)						
TOTAL ADDITIONAL FEE DUE:						\$ 0.00

- ☐ Applicant claims small entity status. See 37 CFR § 1.27.
- ☒ No additional fee is required.
- ☐ Payment of \$ ___ by Credit Card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account _____, including any filing fees under 37 CFR § 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR § 1.17

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on May 22, 2001.

Karlyn J. Geiger, Date: 5/22/01
Karlyn J. Geiger

Respectfully submitted,
DITTHAVONG & CARLSON, P.C.

Stephen C. Carlson
Reg. No. 39929
Date: May 22, 2001



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For: APPARATUS AND METHOD FOR MANAGING CALL BILLING RECORDS Technology Center 2600

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE UNDER 37 CFR 1.111

Dear Sir:

Claims 1-27 are pending in this response to the Office Action of February 22, 2001.

The Office Action mailed February 22, 2001 rejected claims 1-4 as obvious under 35 U.S.C. § 103 based on *Mechling et al.* (US 5,873,030) in view of *Jaiswal et al.* (US 6,002,754) further in view of *Doherty et al.* (US 5,333,184), claims 5-7 as obvious over *Mechling et al.* and *Jaiswal et al.*, further in view of *Thomas et al.*, in view of *Witzman et al.* (US 5,737,399), claims 8-10 as obvious over *Mechling et al.*, *Jaiswal et al.*, *Thomas et al.*, and *Witzman et al.* in view of *Kay et al.* (US 5,575,894), claims 11-16 as obvious over *Mechling et al.* and *Jaiswal et al.*, further in view of *Thomas et al.*, in view of *Herbert* (US 5,333,183), and claims 17-27 as obvious over *Mechling et al.* and *Jaiswal et al.*, in view of *Liu et al.* (US 5,898,780) further in view of *Wang* (US 5,991,746).

As a preliminary matter, the Office Action rejected claims 5-27 as obvious “further in view of *Thomas et al.*, as applied to claim 1 above.” However, claim 1 was not rejected in view of *Thomas et al.* In fact, no reference named *Thomas et al.* has even been made of record in the examination of this application, nor has the Office Action given any patent number for *Thomas et al.* Accordingly, the Applicants request withdrawal of the rejection of claims 5-27 on the grounds that the rejection “is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.” *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990).

It is also noted that the newly cited reference *Doherty et al.* was not applied to claims 5-27. In the rejection of claim 1, the Office Action correctly acknowledged that “Mechling et al. as modified above does not explicitly indicate the transmit of the second data structure of the billing data” and then attempted to rely on *Doherty et al.* for the missing feature. Because claims 5-27 require similar limitations by dependence on claim 1 or by affirmative recital (e.g. claim 10: “a network processor ... operative to ... transmit the call billing data in the second data structure format to the data network for billing processing”), the rejection of claims 5-27 is insufficient.

Even if the Examiner, in a subsequent non-final Office Action, were to reformulate the rejections of claims 5-27 in terms of *Doherty et al.* as it has been applied to claims 1-4, all the claims are nonetheless allowable over the cited art because the combination of *Mechling et al.*, *Jaiswal et al.*, and *Doherty et al.* does not teach the limitations of the claims, and one of skill in the art would not be motivated to combine these references in a manner that teaches the limitations the claims. Despite the apparent complexity of the rejection, the Office Action basically boils down to using *Mechling et al.* for disclosure of collecting billing records, *Jaiswal et al.* for disclosure of converting billing records, *Doherty et al.* for disclosure of transmission of EMI records to a call rating system, and the remaining references for various details.

The Office Action, p. 3, relied on *Jaiswal et al.* for disclosing that an “intelligent peripheral IP3 of the billing system converts the raw data into the formatted objects. In column 4, line 40-58, Fig. 8-11, it show the converted format has the Bellcore AMA Format (BAF).” Then, the Office Action relied on *Doherty et al.* for a system that “converts said AMA format to the EMI message format, and transmits the EMI message record format to the call rating system.” Assuming solely for the sake of argument that if *Mechling et al.*, *Jaiswal et al.* and *Doherty et al.* were to be combined, raw data in a first format (*Mechling et al.*’s MCDR format) would be converted into a second, AMA format (*Jaiswal et al.*), then converted to a third, EMI format and transmitted (*Doherty et al.*). Thus, call billing data would be transmitted in a third data format. The claims, however, require “transmit the call billing data **in the second data structure format** to the data network for billing purposes” (emphasis added).

Furthermore, there is no motivation to make this combination in the first place because *Jaiswal et al.* teaches against any claimed invention. In specific, combining *Mechling et al.* with *Jaiswal et al.* does not support rejection, because *Jaiswal et al.* discloses the flow of data in the **opposite** direction—from a peripheral to the central office communications network as the destination:

The billing processing method comprises the steps of: (1) receiving raw billing data from the peripheral subsystem; (2) associating the received raw billing data with a formatting object; (3) converting the received raw billing data as specified in the formatting object into a formatted data object; and (4) outputting the formatted data object to the central office communications network. (col. 1:64–2:4)

Thus, not only do *Mechling et al.*, *Jaiswal et al.*, and *Doherty et al.* fail to teach or suggest the limitations of the invention as claimed, *Jaiswal et al.*’s opposite configuration teaches against the claimed invention.

Therefore, the present application overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-8516 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

5/22/01

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